



P.O. BOX 23223 Oakland, CA 94623
Phone (510) 419-0120 / Fax (510) 832-1456

LETTER OF TRANSMITTAL
SAS Foundations E2/T1 Project

Run Date 29-Jan-08
Time 10:53 AM

Dated:

1/29/08

TRANSMITTAL No: KFM-TRN-000697

Rev: 00

To: Pedro Sanchez

Caltrans - SAS E2/T1 Foundation Project
333 Burma Road
Oakland CA 94607
Phone: 510-286-0538 Fax:

Co/Job # 364-4347

Contract # 04-0120E4

Sub/Supplier:

Sub/Supplier No:

Subject: Supplemental NOPC 10-011408, 11-011808, 12-011408, 13-011808,
14-011808, 15-011808

Special Provis. (SP) REF:
Standard Spec. (SS) REF:

RESUBMITTAL/SUPPLEMENTAL REF:

We are sending the following attached items:

☒ Attached

☐ Via Fax

- ☐ Contract Plans/Specs
- ☐ Drawings/Calculations
- ☐ Change Order
- ☒ Copy of Letter

- ☐ Certs of Compl./Samples
- ☐ Schedule
- ☐ Progress Estimate Request
- ☐ Payroll Information

- ☐ Working Drawings
- ☐ WQCP and/or Addenda
- ☐ Weekly Welding Reports
- ☐ CWR Procedure

Item	Date	Copies	Description	Pages
01	29-Jan-2008	1	NOPC - 10-011808 Form CEM 6201B	
02	29-Jan-2008	1	NOPC - 11-011808 Form CEM 6201B	
03	29-Jan-2008	1	NOPC - 12-011808 Form CEM 6201B	
04	29-Jan-2008	1	NOPC - 13-011808 Form CEM 6201B	
05	29-Jan-2008	1	NOPC - 14-011808 Form CEM 6201B	
06	29-Jan-2008	1	NOPC - 15-011808 Form CEM 6201B	

These are transmitted as checked below:

- ☐ For Approval
- ☒ For Your Use

- ☐ For Review/Comment
- ☐ As Requested

- ☐ Return For Correction
- ☐ For Information

Remarks:

CC:

Submitted By:

George Atkinson

(KFM Staff Member - Originator of Transmittal)

Checked & Sent By:

Contract Admin/DCS Staff

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY

Received By

DATE

(For resident engineer)

TO

Pedro Sanchez

(resident engineer)

CONTRACT NUMBER

04-0120E4

DATE

January 29, 2008

IDENTIFICATION NUMBER

10-011408

This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 10-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 10-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 10-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

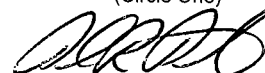
See attached "NOPC 10-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kim L / FCI / Manson ASV

SUBCONTRACTOR or CONTRACTOR

(Circle One)



(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

NOPC 10-011408 -- Supplemental Notice of Potential Claim

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed work in accordance with issued but un-approved Contract Change Order No. 66 ("CCO 66"). This change order was not approved by the Engineer as of January 14, 2008, and this change order is still not approved by the Engineer.

CCO 66 is to provide compensation to the Contractor for furnishing security services at the project site payable as extra work on a force account basis. KFM and the State discussed this change order for several months and had arrived at an agreed scope and basis for cost sharing. The change order was presented to KFM for approval on December 21, 2007. KFM reviewed the proposed change order and executed it on January 15, 2008. The executed copy was transmitted to the State by KFM Transmittal 689, dated January 21, 2008. A fully approved change order has not been transmitted by the State to KFM. KFM has performed the work described in the change order.

KFM requests the Engineer's approval of CCO 66 and immediate compensation for this work in accordance with the Contract Change Order as executed by KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without approval of this signed change order has given rise to this NOPC.

The work described under Contract Change Order No. 66 is directed work not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work".

As allowed by Standard Specification 4-1.03A, "Procedure and Protest", a change order for this work was presented by the Engineer to the Contractor for consideration prior to approval. KFM signified its acceptance of the terms and conditions of the proposed contract change order by executing and returning it to the State.

KFM returned the CCO on January 21, 2008 for approval by the Engineer but it has not been approved and transmitted back to KFM. As stated in Standard Specification 4-1.03, second paragraph, "A contract change order will not become effective until approved by the Engineer." Accordingly, the subject work of CCO 66 continues to not be incorporated into the contract.

Following presentation by the State of the CCO to KFM for acceptance, Contract Work on the project continued towards January 18, 2008 and approached completion and Contract Acceptance without this change order becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 66 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a

Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM has signified its acceptance of the terms and conditions of CCO 66, including cost, by its execution on January 15, 2008. Extra work at force account billings for this work will exceed the as-issued amount of \$350,000. KFM anticipates that if the work is continued through March 31, 2008, billings will be an estimated \$375,000 to \$400,000.

D. Time Impact Analysis

KFM has signified its acceptance of the terms and conditions of CCO 66, including no adjustment of contract time, by its execution on January 15, 2008.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY	
Received By	DATE
(For resident engineer)	

TO Pedro Sanchez (resident engineer)	CONTRACT NUMBER 04-0120E4	DATE January 29, 2008	IDENTIFICATION NUMBER 11-011408
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This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 11-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 11-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

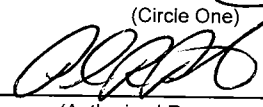
See attached "NOPC 11-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 11-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kiewit/FCI/Manson ASV
SUBCONTRACTOR or CONTRACTOR
(Circle One)

(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

NOPC 11-011408 -- Supplemental Notice of Potential Claim

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed work in accordance with issued but un-approved Contract Change Order No. 74 ("CCO 74"). This change order was not approved by the Engineer as of January 14, 2008, and this change order is still not approved by the Engineer.

CCO 74 is to provide compensation to the Contractor for installation of State-furnished anchor bolts in the Pier T1 footing as described by plans and information attached to the change order. KFM furnished a cost proposal to the State for the proposed work and agreement on a price was reached. Compensation for time related impacts was deferred. The change order was presented to KFM for approval on December 20, 2007. KFM reviewed the proposed change order and executed it on January 15, 2008. The executed copy was transmitted to the State by KFM Transmittal 689, dated January 21, 2008. A fully approved change order has not been transmitted by the State to KFM. KFM has performed the work described in the CCO.

KFM requests the Engineer's approval of CCO 74 and immediate compensation for this work in accordance with the Contract Change Order as executed by KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without approval of this signed change order has given rise to this NOPC.

The work described under Contract Change Order No. 74 is directed work not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work".

As allowed by Standard Specification 4-1.03A, "Procedure and Protest", a change order for this work was presented by the Engineer to the Contractor for consideration prior to approval. KFM signified its acceptance of the terms and conditions of the proposed contract change order by executing and returning it to the State.

KFM returned the CCO on January 21, 2008 for approval by the Engineer but it has not been approved and transmitted back to KFM. As stated in Standard Specification 4-1.03, second paragraph, "A contract change order will not become effective until approved by the Engineer." Accordingly, the subject work of CCO 74 continues to not be incorporated into the contract.

Following presentation by the State of the CCO to KFM for acceptance, Contract Work on the project continued towards January 18, 2008 and approached completion and Contract Acceptance without this change order becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 74 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM has signified its acceptance of the terms and conditions of the terms and conditions of CCO 74, including compensation, by its execution on January 15, 2008.

D. Time Impact Analysis

KFM has signified its acceptance of the terms and conditions of CCO 74, including deferral of adjustment of contract time, by its execution on January 15, 2008. KFM does not propose an adjustment to the contract time of performance as a result of CCO 74.

FOR STATE USE ONLY	
Received By	DATE
(For resident engineer)	

TO Pedro Sanchez (resident engineer)	CONTRACT NUMBER 04-0120E4	DATE January 29, 2008	IDENTIFICATION NUMBER 12-011408
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This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 12-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kien-Li / Fer / Mansu ASV
SUBCONTRACTOR or CONTRACTOR
(Circle One)
[Signature]
(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

NOPC 12-011408 -- Supplemental Notice of Potential Claim

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to grind weld terminations at pile head connection plates to allow for additional inspection by the State. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

The State directed that pile head connection plate weld terminations on Pier E2 and Pier T1 be ground smooth to facilitate inspection by State forces. Pending Contract Change Order No. 62 ("CCO 62") was identified by the State to compensate the KFM for this work. KFM performed this work in the field as directed. KFM has furnished a price proposal to the State for this work. A contract change order for this work has not been issued or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by the State is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the work as directed pending issue of a Contract Change Order. The work has been completed and accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Following completion of the directed work, Contract Work on the project continued towards completion and Contract Acceptance without this change order being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 62 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM furnished to the State a cost proposal for this work. Compensation in the amount of \$18,038.94 has been agreed to by KFM and the State for this work.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

FOR STATE USE ONLY	
Received By	DATE
(For resident engineer)	

TO Pedro Sanchez (resident engineer)	CONTRACT NUMBER 04-0120E4	DATE January 29, 2008	IDENTIFICATION NUMBER 13-011408
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This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 13-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kiewit / Per / Maun ASU
SUBCONTRACTOR or CONTRACTOR
(Circle One)
[Signature]
(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

NOPC 13-011408 -- Supplemental Notice of Potential Claim

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to repair cracked concrete in the Pier E2 footing. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

Cracks in the Pier E2 footing fender walls and bottom slab were repaired pursuant to State Letter 3326 and KFM Letter 339. Contract Change Order No. 68 ("CCO 68") has been identified for this work. KFM performed this work in the field as directed or as subsequently accepted by the State. KFM has furnished a price proposal to the State for this work. A contract change order for this work has not been issued or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by State Letter 3326 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the work directed by the Engineer pending issue of a Contract Change Order. Additional work was performed as disputed work per KFM Letter 339. All Pier E2 footing crack repair work has been completed and accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Following completion of the crack repair work, Contract Work on the project continued towards completion and Contract Acceptance without this change order being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 68 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM has furnished to the State a cost proposal in the amount of \$249,136.00 for this work. KFM's proposal takes into account concerns raised by the State in their letter #3713 regarding potential sources of cracking due to KFM's construction staging and methods.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

FOR STATE USE ONLY	
Received By	DATE
(For resident engineer)	

TO Pedro Sanchez (resident engineer)	CONTRACT NUMBER 04-0120E4	DATE January 29, 2008	IDENTIFICATION NUMBER 14-011408
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This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: _____ DATE _____

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kim, + / FC / Man ASV
SUBCONTRACTOR or CONTRACTOR
(Circle One)
[Signature]
(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

NOPC 14-011408 -- Supplemental Notice of Potential Claim

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to revise number, configuration, and color of navigation lights on Pier E2 and Pier T1. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

The State directed that navigation lights originally specified as white lenses be replaced with lights with red lenses per State Letter 3358. In addition, the State directed by Letter 3690 that additional lights be furnished for Piers E2 and T1 and that all lights have 180 degree lenses instead of the 360 degree lenses specified by the original contract. The State, by Letter 3692, requested KFM provide a cost proposal for the work identified in State Letter 3690 and identified Contract Change Order No. 71 ("CCO 71") as a pending change order to compensate KFM for this work. KFM completed all the directed work and has provided a cost proposal to the State for preparation of a contract change order for this work. A contract change order for this work has not been issued by the State or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by State Letters 3358 and 3690 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the directed work pending issue of a Contract Change Order. Three navigation lights were changed from white to red, three additional lights were furnished and installed, and three lenses were changed from 360 degree configuration to 180 degree configuration. KFM furnished and made available temporary lights for contingency use. All work performed has been accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Work on navigation lights and all other Contract Work on the project continued towards completion and Contract Acceptance without a change order for this work being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 71 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM has furnished to the State a cost proposal for all elements of this work except changing three lenses to 180 degree configuration. KFM estimates the cost for all work under this NOPC to be \$17,500.00 pending final costs from our suppliers and subcontractor, Ed Scott Electric.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY

Received By

DATE

(For resident engineer)

TO

Pedro Sanchez

(resident engineer)

CONTRACT NUMBER

04-0120E4

DATE

January 29, 2008

IDENTIFICATION NUMBER

15-011408

This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kiewit / FCI / Manson JV
SUBCONTRACTOR or CONTRACTOR
(Circle One)
[Signature]
(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR

(Authorized Representative)

ADA Notice

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NOPC 15-011408 -- Supplementary Notice of Potential Claim

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to furnish and install materials to facilitate de-bonding of embedded T1 anchor bolts. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

The State directed by Letter 3648 that KFM furnish and install de-bonding materials for the Pier T1 skirt anchor bolts in accordance with field discussions. By the same letter, the State requested a cost proposal and identified pending Contract Change Order No. 75 ("CCO 75") for this work. KFM completed the directed work and has provided a cost proposal to the State for preparation of a contract change order for this work. A contract change order for this work has not been issued by the State or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by State Letter 3648 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the directed work pending issue of a Contract Change Order. All work performed has been accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Work on Pier T1 skirt anchor bolt de-bonding and all other Contract Work on the project continued towards completion and Contract Acceptance without a change order for this work being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 75 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM furnished to the State a cost proposal for this work in the amount of \$7081.00.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.